

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

CRYSTAL BARTZ,

Plaintiffs,

v.

ASSET RECOVERY SOLUTIONS, LLC and
BUREAUS INVESTMENT GROUP
PORTFOLIO NO. 15, LLC,

Defendants.

Case No.

DEFENDANT ASSET RECOVERY SOLUTIONS, LLC'S NOTICE OF REMOVAL

Defendant Asset Recovery Solutions, LLC ("Defendant"), pursuant to 28 U.S.C. §1331, 28 U.S.C. §1441, 28 U.S.C. §1367, and 28 U.S.C. §1446, respectfully removes the action Plaintiff Crystal Bartz ("Plaintiff") commenced in the Circuit Court of Milwaukee County, Wisconsin to this District.

I. STATEMENT OF THE CASE

1. On October 8, 2020, Plaintiff commenced a civil action in the Circuit Court of Milwaukee County, Wisconsin entitled *Crystal Bartz v. Asset Recovery Solutions, LLC, et al.*, case number 2020-cv-005970. *See* Plaintiff's Complaint attached hereto as Exhibit A.

2. In her complaint (the "Complaint"), Plaintiff alleges Defendant violated the Fair Debt Collection Practices Act ("FDCPA")—a federal statute. *See* Ex. A. Plaintiff also alleges Defendant violated the Wisconsin Consumer Act ("WCA"). *Id.* Plaintiff bases her WCA claim on the same set of facts that she bases her FDCPA claim. *Id.*

II. FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331, which provides that “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

4. As mentioned, Plaintiff alleges Defendant violated the FDCPA. The FDCPA is a federal statute. This action thus arises under federal laws and is subject to this Court’s original jurisdiction. Defendant is entitled to remove Plaintiff’s action to this Court pursuant to 28 U.S.C. §1441(a), which provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

5. Moreover, 28 U.S.C. §1367(a) provides that “district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy.”

6. Here, Plaintiff’s Wisconsin state law claim under the WCA (Count III) is “so related” to Plaintiff’s FDCPA claim against Defendant (Counts I) that “they [all] form part of the same case or controversy.” In particular, Plaintiff’s federal FDCPA claim and Wisconsin state law claim all relate to Defendant’s alleged wrongdoing surrounding the collection of the same debt and Plaintiff’s alleged receipt of a collection letter regarding such debt. *See* Ex. A. A plain reading of the Complaint confirms this. *Id.* As a result, this Court has supplement jurisdiction over Plaintiff’s Wisconsin state law claim pursuant to 28 U.S.C. §1367(a).

III. ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

7. Under 28 U.S.C. §1446(b), “[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant . . . of a copy of the initial pleading . . . or within thirty days after the service of summons upon the defendant.”

8. Here, Plaintiff has not yet formally served Defendant with a summons and the Complaint. Instead, Plaintiff’s counsel notified attorney Louis J. Manetti, Jr. of Hinshaw & Culbertson LLP of this action via email on November 19, 2020 and provided Mr. Manetti a copy of the Complaint. *See* November 19, 2020 Email attached hereto as Exhibit B. Shortly thereafter, Justin M. Penn of Hinshaw & Culbertson LLP notified Defendant of this lawsuit and provided it a copy of the Complaint. Accordingly, Defendant did not receive a copy of the Complaint until on or after November 19, 2020. Defendant files this notice of removal within thirty (30) days of that date—making it timely filed under 28 U.S.C. § 1446(b).

9. Plaintiff has not yet served Defendant Bureaus Investment Group Portfolio No. 15, LLC (“BIG 15”) with a summons and the Complaint, but to the extent necessary, BIG 15 (the only other defendant) confirmed it consents to the removal of this action to this District.

10. Removal of this action to this Court is proper because the Circuit Court of Milwaukee County, Wisconsin (i.e., where Plaintiff commenced this action) is located within this Court’s jurisdiction.

11. In accordance with 28 U.S.C. § 1446(d), Defendant will promptly file a notice of its removal of this action with the clerk of the Circuit Court of Milwaukee County, Wisconsin. Defendant will also promptly serve Plaintiff and any party who has appeared in this action with this notice of removal as well as the notice to be filed in the Circuit Court of Milwaukee County, Wisconsin.

IV. CONCLUSION

12. For the foregoing reasons, removal of this action from the Circuit Court of Milwaukee County, Wisconsin to this District is proper.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Justin M. Penn

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CERTIFICATE OF SERVICE

I, Justin M. Penn, an attorney, certify that on December 17, 2020, caused to be served a copy of the foregoing by: depositing same in the U.S. Mail box at 151 North Franklin Street, Chicago, Illinois 60606, prior to 5:00 p.m., postage prepaid; messenger delivery; UPS; facsimile transmitted from (312) 704-3001; email; or electronically via the Case Management/Electronic Case Filing system ("ECF"), as indicated below.

- ☐ ECF
- ☐ Facsimile
- ☐ UPS
- ☒ U.S. Mail
- ☒ E-Mail
- ☐ Messenger Delivery

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